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U.S. DISTRICT COURT  
NORTHERN DIST. OF TX  
FT. WORTH DIVISION

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CLERK OF COURT (M)

 ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

CYPHER ENTERPRISES, LLC,

Plaintiff,

v.

HASHFAST TECHNOLOGIES LLC and  
HASHFAST LLC,

Defendants.

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Civil Action No. 4:14-cv-00243-A

**DEFENDANTS HASHFAST TECHNOLOGIES LLC AND HASHFAST LLC'S  
MOTION TO DISMISS PURSUANT TO RULES 12(b)(1), 12(b)(2), 12(b)(3) AND 12(b)(6)**

Defendants Hashfast Technologies LLC ("Hashfast Technologies") and Hashfast LLC ("Hashfast") (collectively "Defendants") submit this Motion to Dismiss Pursuant to Rules 12(b)(1), 12(b)(2), 12(b)(3), and 12(b)(6), and would respectfully show the Court as follows:

1. Plaintiff's Original Complaint (the "Complaint") filed by Cypher Enterprises, LLC ("Cypher" or "Plaintiff") should be dismissed pursuant to Rule 12(b)(1) because Plaintiff lacks standing to bring these claims, as it has suffered no alleged injury at the hands of Defendants and has no right to litigate the rights of others.

2. The Complaint should additionally be dismissed pursuant to Rule 12(b)(2) because it has failed to allege that Defendants have sufficient minimum contacts with Texas to support either specific or general jurisdiction and because litigating this suit in Texas would offend traditional notions of fair play and substantial justice.

3. The Complaint should be dismissed pursuant to Rule 12(b)(3) because a mandatory arbitration clause governs all claims relating to the sale of the computers at issue in this suit.

4. Finally, Plaintiff's Texas Deceptive Trade Practices Act ("DTPA") claim must be dismissed as to both Defendants under Rule 12(b)(6) because California law governs pursuant to a choice of law provision, Texas DTPA claims are non-assignable, and Plaintiff never alleged that the necessary notice was provided under the Texas DTPA before commencing suit. Additionally, Plaintiff fails to state any claim against Hashfast upon which relief can be granted because Plaintiff has not alleged any transactions with or purchases from this entity.

5. In the alternative, Defendants request that Plaintiff re-plead in accordance with the Federal Rules of Civil Procedure.

Dated: May 6, 2014

Respectfully submitted,



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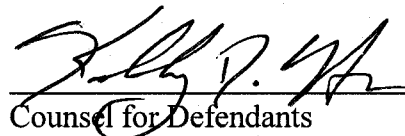
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**Attorneys for Defendants Hashfast  
Technologies LLC and Hashfast LLC**

**CERTIFICATE OF SERVICE**

On the 6th day of May, 2014, a true and correct copy of the above was sent via certified mail return receipt requested and electronic mail to the following:

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